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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/712,550

11/13/2003

Binh T. Nguyen

IGT1P545/P000758-001

9163

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7590

09/09/2010

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EXAMINER

LEIVA, FRANK M

ART UNIT

PAPER NUMBER

3714

NOTIFICATION DATE

DELIVERY MODE

09/09/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@wavsip.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/712,550	<b>Applicant(s)</b> NGUYEN ET AL.	
	<b>Examiner</b> FRANK M. LEIVA	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,23,25-28,42,44 and 48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,23,25-28,42,44 and 48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/04/2010</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Acknowledgements***

1. The examiner acknowledges amendments to claims 1-3, 23, 25-28, 42, 44 and 48, and newly canceled claim 24 in applicant's submission filed 08 February 2010. Claims now pending are 1-5, 23, 25-28, 42, 44 and 48.

### ***Response to Arguments***

2. Applicant's arguments filed 10 July 2009 have been fully considered but they are not persuasive. Arguments are directed to the amended matter and will be reviewed on the merits below.

### ***Abstract***

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because of the use of term "said", use of legal phraseology. Correction is required. See MPEP § 608.01(b).

***Claim Objections***

5. Claim 4 is objected to because of the following informalities: Claim 4 was labeled “currently amended” yet no amendment was found. The examiner will treat claim 4 as “previously presented” and no correction is required.

***Claim Rejections - 35 USC § 112 2<sup>nd</sup> Paragraph***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claim 23** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 23 lines 5 and 6 define “a display unit” and A value input device” already stated in claim 1, making claim 23 line 9, "said display unit, said value input device" indefinite due to the precedent antecedent from claim 1.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. **Claim 1** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 line17; “a second data storage operatively coupled to said network computer, the second storage device configured store said operational

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event data stored on the first single-write data storage device”, said “second data storage device” is not described in such detailed in the specification, only to say that there are other network computers and that one the network computers can communicate to each other, but not a separate “second data storage device”.

***Claim Rejections - 35 USC § 103***

**8.** The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**9. Claims 1-5, 23, 25-28, 42 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Letovsky et al (US Pub. 2002/0151363 A1), in view of McGovern et al (US Pub. 2004/0186858 A1).**

**10.** Regarding the analogous combination of the references; Letovsky describes a gaming system that permanently stores event data in a storage device; McGovern describes a method of permanently storing data using a write-once device.

**11. Regarding claims 1 and 26-27 and 42;** Letovsky discloses a gaming system comprising:

a server computer; a network computer operatively coupled to said server computer, (abstract) said network computer comprising a first permanent (single-write) data storage device and an operational event controller operatively coupled to said first permanent (single-write) data storage device, said operational event controller comprising a processor and a memory operatively coupled to said processor, (¶ [0012 and 0025] and fig. 1: 90 and 15);

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said operational event controller being configured to periodically check with a first gaming apparatus to determine when an operational event has occurred, (¶ [0027] and [0039]),

said operational event controller being configured to retrieve operational event data, said operational event controller being configured to permanently store said operational event data on said first permanent (single-write) data storage device, (¶ [0025 and 0027]), and

said operational event controller being configured to communicate said operational event data to said server computer upon a request from said server computer for said operational event data, (claim 20);

a second data storage device operatively coupled to said network computer, the second data storage device configured to store said operational event data stored on the first permanent (write-once) data storage device, (¶ [0012] and [0017]);

a first plurality of first gaming apparatuses operatively coupled to said network computer, (claim 20),

each first gaming apparatus comprising a display unit, a value input device, and a first controller operatively coupled to said display unit and said value input device, said first controller comprising a processor and a memory operatively coupled to said processor, said first controller being configured to cause said display unit to generate a game display relating to a game, said first controller being configured to determine a value payout associated with an outcome of said game, (¶ [0025]), wherein wagering device 50 is a known gaming device such as a video slot machine; known to be comprised of video displays memory and processors; and

said first controller being configured to receive periodic checks from said operational event data to said operational event controller, (¶ [0027] and [0039]), said operational event data comprising one or more of the following data types: accounting data, cashless data, security data, player tracking data and maintenance data, (¶ [0016 and 0018]).

Letovsky discloses the backup as being permanent, but is not explicit to it being a write-once (or single-write) device. McGovern discloses the use of a write-once (or single-write) device to permanently store data on a network system, (abstract).

Because both Letovsky and McGovern teach methods that permanently stores data, it would have been obvious to one skill in the art at the time of applicant's invention to substitute the method of Letovsky's permanent record for the method of write-once (or single-write) memory to archive network data; which would yield the predictable result of using a single-write device to store that permanent data of the Letovsky's invention.

**12. Regarding claim 2;** Letovsky discloses further comprising a plurality of server computers, wherein said operational event controller is configured to communicate said operational event data to a particular server computer based on said data type, (¶ [0018]).

**13. Regarding claim 3;** Letovsky discloses further comprising a plurality of said network computers operatively coupled to said server computer and each disposed in a different geographic location, wherein: said operational event controller is configured to communicate said operational event data to an operational event controller of at least one of said plurality of network computers, and said operational event controller is configured to receive operational event data from an operational event controller of at least one of said plurality of network computers, (¶ [0003 and 0011]).

**14. Regarding claim 4;** Letovsky discloses the system being applied to government sponsored gaming system, (¶ [0002 and 0030]).

**15. Regarding claim 5;** Letovsky discloses wherein said gaming system comprises a casino gaming system, (¶ [0002]).

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**16. Regarding claim 23;** Letovsky discloses further comprising a second plurality of second gaming apparatuses said second gaming apparatuses being interconnected to form a network of second gaming apparatuses, (fig. 3 and 4), each second gaming apparatus comprising a display unit, a value input device, a second permanent (single-write) data storage device configured to store data representing operational events, (¶ [0025]); a second controller operatively coupled to said display unit, said value input device, and said second permanent (single-write) data storage device, said second controller comprising a processor and a memory operatively coupled to said processor, (¶ [0025]), said second controller being configured to cause said display unit to generate a game display relating to a game, (¶ [0025]), said second controller being configured to communicate data representing operational events on said second gaming apparatus to said second permanent (single-write) data storage device, (¶ [0025 and [0027]), said second controller being configured to determine a value payout associated with an outcome of said game, (¶ [0025]).

**17. Regarding claim 25;** Letovsky discloses wherein each second controller is configured to communicate said operational event data to a third data storage device of at least one of said second plurality of second gaming apparatuses, (¶ [0025 and 0027]).

**18. Regarding claim 28;** Letovsky discloses wherein said second gaming apparatuses are interconnected via the Internet, (fig. 5:403).

**19. Regarding claim 44;** Letovsky and McGovern disclose all the limitations of claims 1 and 23 from which claim 44 depends, including wherein each second controller is programmed to communicate said operational event data to the second permanent (single-write) data storage device of at least one of said second gaming apparatuses, Letovsky (¶ [0027]) and McGovern (abstract), wherein the above combined Letovsky and McGovern invention permanently archives event data into a permanent (write-once) device.



**20. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Letovsky et al (US Pub. 2002/0151363 A1), in view of McGovern et al (US Pub. 2004/0186858 A1) and in further view of Baltz et al. (US 2002/0128059 A1).**

**21.** Regarding the analogous combination of the references; Letovsky describes a gaming system that permanently stores event data in a storage device; McGovern describes a method of permanently storing data using a write-once device permanently, and Baltz discloses the well-known method of printing ticket vouchers containing validation event data, the printers located in the gaming machines.

**22. Regarding claim 48;** Letovsky and McGovern disclose all the limitations of claim 1 from which claim 48 depends, but are silent to the well-known ticket printers on casino gaming devices. Baltz discloses a gaming machine network system where each first gaming apparatus further including a ticket printer, wherein said first controller is further configured to cause said ticket printer to issue a ticket voucher comprising at least a portion of said operational event data, (abstract), printer in the machine, being controlled by a microprocessor (controller). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Letovsky and McGovern by using gaming machines that already have ticket printers as many did back then and to have them print vouchers for cash redemption.

#### ***Examiner's Note***

**23.** The referenced citations made in the rejection(s) above are intended to exemplify areas in the prior art document(s) in which the examiner believed are the most relevant to the claimed subject matter. However, it is incumbent upon the applicant to analyze the prior art document(s) in its/their entirety since other areas of the document(s) may be relied upon at a later time to substantiate examiner's rationale of record. A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & associates, Inc. v. Garlock*,

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Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). However, "the prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed .... "In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANK M. LEIVA whose telephone number is (571)272-2460. The examiner can normally be reached on 11:00AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter D. Vo can be reached on 5712724690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Melba Bumgarner/

Supervisory Patent Examiner, Art Unit 3714

/F. M. L. /

Examiner, Art Unit 3714